

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In re:

BRUCE CECIL : Case No. 14-36548  
Debtor : Chapter 7

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BRUCE CECIL :

Plaintiff :

v. : Adversary Proc. No. 15-03045

SALLIE MAE, *et al.* :

Defendants :

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**ANSWER TO COMPLAINT**

COMES NOW, Educational Credit Management Corporation (“ECMC”)<sup>1</sup>, by and through counsel, Rand L. Gelber, and in Answer to the Complaint<sup>2</sup> filed by Bruce Cecil (“Cecil” or “Plaintiff”), states as follows:

1. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 1 of the Complaint and, therefore, denies same and demands strict proof thereof.

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<sup>1</sup> Above-named defendant, ACS, Inc. (“ACS”), is a lender and/or servicer of a Federal Family Education Loan Program (“FFLEP”) student loan that is the subject, in part, of Plaintiff’s Complaint. Because federal regulations prohibit lenders/servicers from holding interests in student loans that are subject to a bankruptcy adversary proceeding, the lender filed a claim under the loan’s guaranty. ECMC will also be contemporaneously filing a Motion for Substitution of Party Defendant Due to Transfer of Interest. In anticipation of the granting of this motion, ECMC is filing the instant answer.

<sup>2</sup> ECMC reserves the right to amend this Answer to include any and all defenses that may be appropriate.

2. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 2 of the Complaint and, therefore, denies same and demands strict proof thereof.

3. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 3 of the Complaint and, therefore, denies same and demands strict proof thereof.

4. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 4 of the Complaint and, therefore, denies same and demands strict proof thereof.

5. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 5 of the Complaint and, therefore, denies same and demands strict proof thereof.

6. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 6 of the Complaint and, therefore, denies same and demands strict proof thereof.

7. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 7 of the Complaint and, therefore, denies same and demands strict proof thereof.

8. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 8 of the Complaint and, therefore, denies same and demands strict proof thereof.

9. ECMC is without information to form an opinion as to the truth or falsity of the allegations contained in Paragraph 9 of the Complaint and, therefore, denies same and demands strict proof thereof.

***First Affirmative Defense***

Plaintiff has failed to state a claim of action upon which relief may be granted.

WHEREFORE having fully answered the Complaint, ECMC prays that this Honorable Court grant it the following relief:

- A. Dismiss Plaintiff's Complaint with prejudice;
- B. Declare the indebtedness which is the subject of this adversary proceeding as a non-dischargeable obligation pursuant to 11 U.S.C. § 523(a)(8); and
- C. Such other and further relief as this Court may deem just and proper.

Respectfully submitted,

/s/ Rand L. Gelber  
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*Attorney for Educational Credit  
Management Corporation*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28<sup>th</sup> day of May, 2015, I will electronically file the foregoing Answer to Complaint with the Clerk of the Court using the CM/ECF system, which will electronically serve a copy of the foregoing to those recipients authorized to receive a Notice of Electronic Filing by the Court.

/s/ *Rand L. Gelber*  
Rand L. Gelber